

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TENNESSEE**

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KEVIN M. WILSON,

Plaintiff,

v.

Civil Action No. \_\_\_\_\_

STEVEN C. MARTIN and  
BANCROFT AND SONS  
TRANSPORTATION, LLC,

Defendant.

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**JOINT NOTICE OF REMOVAL**

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TO THE HONORABLE JUDGES IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF TENNESSEE:

COME NOW Defendants Steven C. Martin (“Martin”), and Bancroft and Sons  
Transportation, LLC (“Bancroft”) by and through counsel, and respectfully aver as follows:

1. On January 31, 2022 Plaintiff Kevin M. Wilson (“Plaintiff”) commenced a civil  
action against Defendants in the Circuit Court for Madison County, Tennessee. A Copy of the  
Complaint is attached hereto at **Exhibit A**.

2. The Complaint, being the original process in this cause, was first received by  
Bancroft no earlier than February 15, 2022; and service of process was concurrently accepted by  
Martin.

3. This personal-injury lawsuit arises out of a February 2, 2021 accident alleged to  
have occurred within the boundaries of Madison County, Tennessee. See Ex. A, Compl. ¶ 5.

4. The *ad damnum* included in the Complaint is in an amount exceeding \$75,000.

5. At all times material hereto, Plaintiff Wilson was and is a citizen and resident of Shelby County, Tennessee. See Ex. A, Compl. ¶ 1.

6. At all times material hereto, Defendant Martin was and is a citizen and resident of Tarrant County, Texas. See Ex. A, Compl. ¶ 2.

7. At all times material hereto Defendant Bancroft was and is a limited liability company licensed in and authorized to do business in the State of Texas with its principal place of business in Grand Prairie, Texas. See Ex. A, Compl. ¶ 3. By way of further response, Bancroft has nine individual members, and those members are each Texas resident-individuals.

8. Diversity of citizenship within the meaning of 28 U.S.C. § 1332 exists because:

- (a) Plaintiff Wilson was and remains a citizen and resident of Tennessee;
- (b) Defendant Martin was and remains a citizen and resident of Texas; and
- (c) Defendant Bancroft was and is a Texas limited liability company.

9. Diversity of citizenship existed at the time the action sought to be removed was commenced and continues through the time of filing of this notice, such that Defendants are entitled to removal pursuant to 28 U.S.C. § 1441 and 28 U.S.C. § 1446.

10. Jurisdiction is proper in this Court pursuant to 28 U.S.C. § 1332 because, based on the nature of the injuries alleged by Plaintiff in the Complaint along with Plaintiff's specific *ad damnum*, the amount in controversy exceeds the sum of \$75,000.00.

11. It has been less than thirty (30) days since Defendant Bancroft was served with the Summons and Complaint.

12. It has been less than thirty (30) days since Defendant Martin accepted service of the Summons and Complaint.

13. Defendants Martin and Bancroft desire and consent to the joint removal of the above-captioned action, now pending in the Circuit Court of Madison County, Tennessee to this Honorable Court pursuant to 28 U.S.C. § 1446.

WHEREFORE, Defendants Steven C, Martin and Bancroft and Sons Transportation, LLC jointly pray that the above-captioned action, now pending in the Circuit Court of Madison County, Tennessee, be removed to this Honorable Court.

Respectfully submitted,

s/ J. Lewis Wardlaw

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*Defendants Steven C. Martin and Bancroft and  
Sons, Transportation, LLC*

### **CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify that a copy of the foregoing has been served upon counsel for the Plaintiff, via electronic mail and regular mail, postage pre-paid on this the 10<sup>th</sup> day of March, 2022.

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s/ J. Lewis Wardlaw